

Panaji, 31st May, 1979 (Jyaistha 10, 1901)

SERIES I No. 9

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department (Legal Advice)

Notification

LD/19263/II/79

The following Central Acts namely:— 1) The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978 (No. 46 of 1978). 2) The Motor Vehicles (Amendment) Act, 1978 (No. 47 of 1978) which were recently passed by the Parliament and assented to by the President of India on 26th December, 1978 and published in the Gazette of India, Part II, Section I dated 27th December, 1978 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 20th February, 1979.

The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978

AN ACT

to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In the Suppression of Immoral Traffic in Women and Girls Act, 1956 (hereinafter 104 of 1956, referred to as the principal Act), in section 2,—

(a) in clause (a), after the word "room", in both the places where it occurs, the word "conveyance" shall be inserted;

(b) after clause (a), the following clause shall be inserted, namely:—

'(aa) "corrective institution" means an institution, by whatever name called (being an institution established or licensed as such under section 21), in which women and girls, who are in need of correction, may be detained under this Act, and includes a shelter where female undertrials may be kept in pursuance of this Act;';

(c) for clause (c), the following clause shall be substituted, namely:—

'(c) "magistrate" means a magistrate specified in the second column of the Schedule as being competent to exercise the powers conferred by the section in which the expression occurs and which is specified in the first column of the Schedule;';

(d) clause (e) shall be omitted;

(e) for clauses (f) and (g), the following clauses shall be substituted, namely:—

'(f) "prostitution" means the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind, and whether offered immediately or otherwise, and the expression "prostitute" shall be construed accordingly;

(g) "protective home" means an institution, by whatever name called (being an institution established or licensed as such under section 21), in which women and girls, who are in need of care and protection, may be kept under this Act, but does not include—

(i) a shelter where female undertrials may be kept in pursuance of this Act, or

(ii) a corrective institution;'

3. *Insertion of new section 2A.*— After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. *Rule of construction regarding enactments not extending to Jammu and Kashmir.*— Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State."

4. *Amendment of section 4.* — In section 4 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely: —

“(2) When any person over the age of eighteen years is proved —

(a) to be living with, or to be habitually in the company of, a prostitute; or

(b) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution; or

(c) to be acting as a tout or pimp on behalf of a prostitute,

it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person within the meaning of sub-section (1).”

5. *Amendment of section 7.* — In section 7 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely: —

“(1) Any woman or girl, who carries on prostitution and the person with whom such prostitution is carried on, in any premises —

(a) which are within the area or areas, notified under sub-section (3), or

(b) which are within a distance of two hundred metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or magistrate in the manner prescribed,

shall be punishable with imprisonment for a term which may extend to three months.”;

(b) after sub-section (2), the following sub-sections shall be inserted, namely: —

“(3) The State Government may, having regard to the kinds of persons frequenting any area or areas in the State, the nature and the density of population therein and other relevant considerations, by notification in the Official Gazette, direct that prostitution shall not be carried on in such area or areas as may be specified in the notification.

(4) Where a notification is issued under sub-section (3) in respect of any area or areas, the State Government shall define the limits of such area or areas in the notification with reasonable certainty.

(5) No such notification shall be issued so as to have effect from a date earlier than the expiry of a period of ninety days after the date on which it is issued.”

6. *Amendment of section 9.* — In section 9 of the principal Act, in sub-section (1), for the words “having the custody, charge or care of any woman or girl”, the words “having the custody, charge or care of, or a position of authority over, any woman or girl” shall be substituted.

7. *Substitution of new sections for section 10.* — For section 10 of the principal Act, the following sections shall be substituted, namely: —

“10. *Release on probation of good conduct or after due admonition.* — (1) A person convicted for the first time of any offence under section 7 or section 8 may, having regard to his age, character, antecedents and the circumstances in which the offence was committed, be released by the court before which he is convicted, on probation of good conduct, —

(a) in a case arising in an area where the Probation of Offenders Act, 1958, is in force, in the manner provided in section 4 of that Act; and 20 of 1958.

(b) in any other case, in the manner provided in sub-section (1) of section 360 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) A person convicted for the first time of any offence under section 7 or section 8 may, having regard to his age, character, antecedents and the circumstances in which the offence was committed, also be released after due admonition, —

(a) in a case arising in an area, where the Probation of Offenders Act, 1958, is in force, in the manner provided in section 3 of that Act; and 20 of 1958.

(b) in any other case, in the manner provided in sub-section (3) of section 360 of the Code of Criminal Procedure, 1973. 2 of 1974.

(3) The provisions of sections 5 to 17 (both inclusive) of the Probation of Offenders Act, 1958, shall apply to the cases referred to in clause (a) of sub-section (1) and clause (a) of sub-section (2). 20 of 1958.

(4) The provisions of sub-sections (2) to (10) (both inclusive) of section 360 of the Code of Criminal Procedure, 1973, shall apply to the cases referred to in clause (b) of sub-section (1) and clause (b) of sub-section (2). 2 of 1974.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other law for the time being in force, no person convicted of an offence under sub-section (1) or sub-section (2) of section 3, or under section 4, section 5, section 6 or section 9 shall be released on probation or after due admonition. 2 of 1974.

(6) Notwithstanding anything contained in sub-section (1) or sub-section (2), if the person convicted of an offence under section 7 or section 8 for the first time is a woman or girl, she shall be dealt with under this section and no sentence of imprisonment shall be awarded to her unless the court is satisfied that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it would not be desirable to deal with her under this

section; and if the court passes any sentence of imprisonment on the offender on first conviction, it shall record its reasons for doing so.

(7) For the purpose of satisfying itself whether or not it would be desirable to deal with such woman or girl under this section, the court shall call for a report from the probation officer appointed under the Probation of Offenders Act, 1958, and shall consider his report, if any, and any other information available to it relating to the character and physical and mental condition of the offender. 20 of 1958.

10A. *Detention in a corrective institution.* — (1) Where —

(a) a female offender is found guilty of an offence under section 7 or section 8, and is not released under sub-section (1) or sub-section (2) of section 10; and

(b) the character, state of health and mental condition of the offender and the other circumstances of the case are such that it is expedient that she should be subject to detention for such term and such instruction and discipline as are conducive to her correction,

it shall be lawful for the court to pass, in lieu of a sentence of imprisonment, an order for detention in a corrective institution for such term, not being less than two years and not being more than five years, as the court thinks fit:

Provided that before passing such an order —

(i) the court shall give an opportunity to the offender to be heard and shall also consider any representation which the offender may make to the court as to the suitability of the case for treatment in such an institution, as also the report of the probation officer appointed under the Probation of Offenders Act, 1958; 20 of 1958. and

(ii) the court shall record that it is satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to benefit by such instruction and discipline as aforesaid.

(2) Subject to the provisions of sub-section (3), the provisions of the Code of Criminal Procedure, 1973, relating to appeal, reference and revision, and of the Limitation Act, 1963, as to the period within which an appeal shall be filed, shall apply in relation to an order of detention under sub-section (1) as if the order had been a sentence of imprisonment for the same period as the period for which the detention was ordered. 2 of 1974. 36 of 1963.

(3) Subject to such rules as may be made in this behalf, the State Government or authority authorised in this behalf may, at any time after the expiration of six months from the date of

an order for detention in a corrective institution, if it is satisfied that there is a reasonable probability that the offender will lead a useful and industrious life, discharge her from such an institution, without condition or with such conditions as may be considered fit, and grant her a written licence in such form as may be prescribed.

(4) The conditions on which an offender is discharged under sub-section (3), may include requirements relating to residence of the offender and supervision over the offender's activities and movements."

8. *Amendment of section 12.* — In section 12 of the principal Act, in sub-section (4), for the words and figures "sections 112 to 126 of the Code of Criminal Procedure, 1898", the words and figures "sections 111 to 123 of the Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898. 2 of 1974.

9. *Amendment of section 13.* — In section 13 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely: —

"(2) The special police officer shall not be below the rank of an Inspector of Police.

(2A) The District Magistrate may, if he considers it necessary or expedient so to do, confer upon any retired police or military officer all or any of the powers conferred by or under this Act on a special police officer, with respect to particular cases or classes of cases or to cases generally:

Provided that no such power shall be conferred on —

(a) a retired police officer unless such officer, at the time of his retirement, was holding a post not below the rank of an inspector;

(b) a retired military officer unless such officer, at the time of his retirement, was holding a post not below the rank of a commissioned officer."

10. *Amendment of section 14.* — In section 14 of the principal Act, —

(a) in the opening paragraph, for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted; 5 of 1898. 2 of 1974.

(b) in clause (iii) of the proviso, for the word "inspector", the word "sub-inspector" shall be substituted.

11. *Amendment of section 15.* — In section 15 of the principal Act, —

(a) in sub-section (2), the following proviso shall be inserted at the end, namely: —

"Provided that the requirement as to the respectable inhabitants being from the locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search."

(b) for sub-section (4), the following sub-section shall be substituted, namely: —

“(4) The special police officer entering any premises under sub-section (1) shall be entitled to remove therefrom —

(a) any woman, if in his opinion, she is carrying on, or is being made to carry on, or attempts are being made to make her carry on, prostitution; or

(b) any girl, if in his opinion, she is under the age of twenty-one years and is carrying on, or is being made to carry on, or attempts are being made to make her carry on, prostitution.”;

(c) in sub-section (5), for the words “the girl”, the words “the woman or girl” shall be substituted;

(d) after sub-section (6), the following sub-section shall be inserted, namely: —

“(7) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search under this section as they apply to any search made under the authority of a warrant issued under section 94 of the said Code.”. 2 of 1974.

12. *Substitution of new sections for sections 16 and 17.* — For sections 16 and 17 of the principal Act, the following sections shall be substituted, namely: —

“16. *Rescue of woman or girl.* — (1) Where a magistrate has reason to believe from information received from the police or from any other person authorised by the State Government in this behalf or otherwise, that —

(a) a woman is being made to carry on prostitution in a brothel, or

(b) a girl apparently under the age of twenty-one years is living, or is carrying on, or is being made to carry on, prostitution in a brothel,

he may direct a police officer not below the rank of a sub-inspector to enter such brothel, and to remove therefrom such woman or girl and produce her before him.

(2) The police officer, after removing the woman or girl, shall forthwith produce her before the magistrate issuing the order.

17. *Intermediate custody of women and girls removed under section 15 or rescued under section 16.* — (1) When the special police officer removing a woman or girl under sub-section (4) of section 15 or a police officer rescuing a woman or girl under sub-section (1) of section 16, is for any reason unable to produce her before the appropriate magistrate as required by sub-section (5) of section 15, or before the magistrate issuing the order under sub-section (2) of section 16, he shall forthwith produce her before the nearest magistrate of any class, who shall pass such orders as he deems proper for her safe custody until she is produced before the appropriate magistrate, or, as the case may be, the magistrate issuing the order:

Provided that no woman or girl shall be —

(i) detained in custody under this sub-section for a period exceeding ten days from the date of the order under this sub-section; or

(ii) restored to or placed in the custody of a person who may exercise a harmful influence over her.

(2) When the woman or girl is produced before the appropriate magistrate under sub-section (5) of section 15 or the magistrate under sub-section (2) of section 16, he shall, after giving her an opportunity of being heard, cause an inquiry to be made as to the correctness of the information received under sub-section (1) of section 16, the age, character and antecedents of the woman or girl and the suitability of her parents, guardian or husband for taking charge of her and the nature of the influence which the conditions in her home are likely to have on her if she is sent home, and, for this purpose, he may direct a probation officer appointed under the Probation of Offenders Act, 1958, to inquire into the above circumstances and into the personality of the woman or girl and the prospects of her rehabilitation. 20 of 1958.

(3) The magistrate may, while an inquiry is made into a case under sub-section (2), pass such orders as he deems proper for the safe custody of the woman or girl:

Provided that no woman or girl shall be kept in custody for this purpose for a period exceeding three weeks from the date of such an order, and no woman or girl shall be kept in the custody of a person likely to have a harmful influence over her.

(4) Where the magistrate is satisfied, after making an inquiry as required under sub-section (2), —

(a) that the information received is correct; and

(b) that she is in need of care and protection, he may, subject to the provisions of sub-section (5), make an order that such woman or girl be detained for such period, being not less than one year and not more than three years, as may be specified in the order, in a protective home, or in such other custody as he shall, for reasons to be recorded in writing, consider suitable:

Provided that such custody shall not be that of a person or body of persons of a religious persuasion different from that of the woman or girl, and that those entrusted with the custody of the woman or girl, including the persons in charge of a protective home, may be required to enter into a bond which may, where necessary and feasible, contain undertakings based on directions relating to the proper care, guardianship, education, training and medical and psychiatric treatment of the woman or girl as well as supervision by a person appointed by the court, which will be in force for a period not exceeding three years.

(5) In discharging his functions under sub-section (2), a magistrate may summon a panel of

five respectable persons, three of whom shall, wherever practicable, be women, to assist him; and may, for this purpose, keep a list of experienced social welfare workers, particularly women social welfare workers, in the field of suppression of immoral traffic in women and girls.

(6) An appeal against an order made under sub-section (4) shall lie to the Court of Session whose decision on such appeal shall be final."

13. *Amendment of section 18.*—In section 18 of the principal Act, in sub-section (1), for the words "two hundred yards", the words "two hundred metres" shall be substituted.

14. *Substitution of new section for section 19.*—For section 19 of the principal Act, the following section shall be substituted, namely:—

"19. *Application for being kept in a protective home or provided care and protection by court.*—

(1) A woman or girl who is carrying on, or is being made to carry on, prostitution, may make an application, to the magistrate within the local limits of whose jurisdiction she is carrying on, or is being made to carry on, prostitution, for an order that she may be—

(a) kept in a protective home, or

(b) provided care and protection by the court in the manner specified in sub-section (3).

(2) The magistrate may, pending inquiry under sub-section (3), direct that the woman or girl be kept in such custody as he may consider proper, having regard to the circumstances of the case.

(3) If the magistrate, after hearing the applicant and making such inquiry as he may consider necessary, including an inquiry by a probation officer appointed under the Probation of Offenders Act, 1958, into the personality, conditions of home and prospects of rehabilitation of the applicant, is satisfied that an order should be made under this section, he shall, for reasons to be recorded, make an order that the applicant be kept,—

(i) in a protective home, or

(ii) in a corrective institution, or

(iii) under the supervision of a person appointed by the magistrate,

for such period as may be specified in the order."

15. *Amendment of section 21.*—In section 21 of the principal Act,—

(a) in sub-section (1), for the words "as many protective homes under this Act as it thinks fit and such homes", the words "as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions" shall be substituted;

(b) in sub-sections (2), (7), (8) and (10), for the words "protective home", wherever they occur, the words "protective home or corrective institution" shall be substituted;

(c) in sub-section (3),—

(i) in the opening paragraph and in the first proviso, for the words "protective home", the words "protective home or corrective institution" shall be substituted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that a person or authority maintaining any corrective institution at the commencement of the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978, shall be allowed a period of six months from such commencement to make an application for such licence."

(d) after sub-section (9), the following sub-section shall be inserted, namely:—

"(9A) The State Government or an authority authorised by it in this behalf may, subject to any rules that may be made in this behalf, transfer an inmate of a protective home to another protective home or to a corrective institution or an inmate of a corrective institution to another corrective institution or to a protective home, where such transfer is considered desirable having regard to the conduct of the person to be transferred, the kind of training to be imparted and other circumstances of the case:

Provided that—

(a) no woman or girl who is transferred under this sub-section shall be required to stay in the home or institution to which she is transferred for a period longer than she was required to stay in the home or institution from which she was transferred;

(b) reasons shall be recorded for every order of transfer under this sub-section."

16. *Amendment of section 22.*—In section 22 of the principal Act, for the words, brackets, letter and figure "a magistrate as defined in clause (c) of section 2", the words "a Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

17. *Insertion of new sections 22A and 22B.*—After section 22 of the principal Act, the following sections shall be inserted, namely:—

"22A. *Power to establish Special Courts.*—(1) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, establish one or more Courts of Judicial Magistrates of the first class, or, as the case may be, Metropolitan Magistrates, in such district or metropolitan area.

(2) Unless otherwise directed by the High Court, a court established under sub-section (1) shall exercise jurisdiction only in respect of cases under this Act.

(3) Subject to the provisions of sub-section (2), the jurisdiction and powers of the presiding officer of a court established under sub-section

(1) in any district or metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.

(4) Subject to the foregoing provisions of this section, a court established under sub-section (1) in any district or metropolitan area shall be deemed to be a court established under sub-section (1) of section 11, or, as the case may be, sub-section (1) of section 16, of the Code of Criminal Procedure, 1973 and the provisions of that Code shall apply accordingly in relation to such courts. 2 of 1974.

Explanation. — In this section, "High Court" has the same meaning as in clause (e) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

22B. *Power of court to try cases summarily.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government may, if it considers it necessary so to do, direct that offences under this Act shall be tried in a summary way by a magistrate [including the presiding officer of a court established under sub-section (1) of section 22A] and the provisions of sections 262 to 265 (both inclusive) of the said Code, shall, as far as may be, apply to such trial. 2 of 1974.

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason undesirable to try the case summarily, the magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witness, who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

18. *Amendment of section 23.* — In section 23 of the principal Act, in sub-section (2),—

(a) in clause (b), after the words, brackets and figures "under sub-section (1) of section 10", the words "where the women or girls are without a home" shall be inserted;

(b) after clause (b), the following clause shall be inserted, namely:—

"(bb) the discharge of an offender under sub-section (3) of section 10A from a corrective institution and the form of licence to be granted to such offender;"

(c) for clause (c), the following clause shall be substituted, namely:—

"(c) the detention and keeping in protective homes or, as the case may be, in corrective institutions of women and girls under this Act and their maintenance;"

(d) for clause (g), the following clause shall be substituted, namely:—

"(g) (i) the establishment, maintenance, management and superintendence of protective homes and corrective institutions under section 21 and the appointment, powers and duties of persons employed in such homes or institutions;

(ii) the form in which an application for a licence may be made and the particulars to be contained in such application;

(iii) the procedure for the issue or renewal of a licence, the time within which such licence shall be issued or renewed and the procedure to be followed in making a full and complete investigation in respect of an application for a licence;

(iv) the form of a licence and the conditions to be specified therein;

(v) the manner in which the accounts of a protective home and a corrective institution shall be maintained and audited;

(vi) the maintenance of registers and statements by a licensee and the form of such registers and statements;

(vii) the care, treatment, maintenance, training, instruction, control and discipline of the inmates of protective homes and corrective institutions;

(viii) the visits to and communication with such inmates;

(ix) the temporary detention of women and girls sentenced to detention in protective homes or in corrective institutions until arrangements are made for sending them to such homes or institutions;

(x) the transfer of an inmate from—

(a) one protective home to another, or to a corrective institution,

(b) one corrective institution to another or to a protective home,

under sub-section (9A) of section 21;

(xi) the transfer in pursuance of an order of the court from a protective home or a corrective institution to a prison of a woman or girl found to be incorrigible or exercising bad influence upon other inmates of the protective home or the corrective institution and the period of her detention in such prison;

(xii) the transfer to a protective home or corrective institution of women or girls sentenced under section 7 or section 8 and the period of their detention in such home or institution;

(xiii) the discharge of inmates from a protective home or corrective institution either absolutely or subject to conditions, and their arrest in the event of breach of such conditions;

(xiv) the grant of permission to inmates to absent themselves for short periods;

(xv) the inspection of protective homes and corrective institutions and other institutions in which women and girls may be kept, detained and maintained;"

19. *Insertion of new Schedule.*—In the principal Act, the following Schedule shall be inserted at the end, namely:—

"THE SCHEDULE

[See section 2(c)]

Section Magistrate competent to exercise the powers

- 7(1) District Magistrate.
- 11(4) Metropolitan Magistrate or Judicial Magistrate of the first class.
- 12(4) Metropolitan Magistrate or Judicial Magistrate of the first class.
- 15(5) Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
- 16 Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
- 18 District Magistrate or Sub-Divisional Magistrate.
- 19 Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
- 20 District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.
- 22B Metropolitan Magistrate or Judicial Magistrate of the first class."

20. *Amendment of Act 20 of 1958.*—In section 18 of the Probation of Offenders Act, 1958, the words and figures "or the Suppression of Immoral Traffic in Women and Girls Act, 1956" shall be 104 of 1956. omitted.

The Motor Vehicles (Amendment) Act, 1978

**AN
ACT**

further to amend the Motor Vehicles Act, 1939.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act; and any reference to the Motor Vehicles (Amendment) Act, 1978, in any amendment made by any provision of this Act shall be construed as a reference to the coming into force of that provision.

2. *Amendment of section 2.*—In section 2 of the Motor Vehicles Act, 1939 4 of 1939.

(hereinafter referred to as the principal Act),—

(a) after clause (3), the following clause shall be inserted, namely:—

'(4) "dealer" includes a person who is engaged in the manufacture of motor vehicles or in building bodies for attachment to chassis;';

(b) for clause (9), the following clauses shall be substituted, namely:—

'(9) "heavy goods vehicle" means any goods vehicle the registered laden weight of which, or a tractor the unladen weight of which, exceeds 11,000 kilograms;

(9A) "heavy passenger motor vehicle" means any public service vehicle or omnibus the registered laden weight of either of which, or a motor car the unladen weight of which, exceeds 11,000 kilograms;';

(c) for clause (14), the following clauses shall be substituted, namely:—

'(14) "medium goods vehicle" means any goods vehicle, other than a light motor vehicle, heavy goods vehicle or road-roller;

(14A) "medium passenger motor vehicle" means any public service vehicle, other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle;';

(d) after clause (25), the following clause shall be inserted, namely:—

'(25A) "rebuilt vehicle" means a motor vehicle re-built with an engine and a chassis both of which had not been registered under this Act as one vehicle;';

3. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (7), for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) a person who passes the test in driving a heavy goods vehicle shall be deemed also to have passed the test in driving any medium goods vehicle or light motor vehicle;

(b) a person who passes the test in driving a heavy passenger motor vehicle shall be deemed also to have passed the test in driving any medium passenger motor vehicle or light motor vehicle;

(c) a person who passes the test in driving a medium goods vehicle or a medium passenger motor vehicle shall be deemed also to have passed the test in driving any light motor vehicle.";

(ii) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) Notwithstanding anything contained in sub-section (7), any person, who has a valid driving licence granted before the commencement of the Motor Vehicles (Amendment) Act, 1978, authorising him to drive a heavy motor vehicle or, as the case may be, a medium motor

vehicle, shall, for the period specified in such licence, be permitted to drive —

(a) any heavy goods vehicle, heavy passenger motor vehicle, medium goods vehicle, medium passenger motor vehicle, or light motor vehicle, where the licence is for driving any heavy motor vehicle;

(b) any medium goods vehicle, medium passenger motor vehicle, or light motor vehicle, where the licence is for driving any medium motor vehicle.”

4. *Amendment of section 8.* — In section 8 of the principal Act, in sub-section (2), for clauses (d) and (e), the following clauses shall be substituted, namely: —

“(d) medium goods vehicle,

(e) medium passenger motor vehicle,

(ei) heavy goods vehicle,

(eii) heavy passenger motor vehicle.”

5. *Amendment of section 9.* — In section 9 of the principal Act, in sub-section (3), in clause (a), for the words “to drive a transport vehicle”, the words “to drive as a paid employee or to drive a transport vehicle” shall be substituted.

6. *Amendment of section 10.* — In section 10 of the principal Act, —

(a) after the words “issued or renewed under this Act”, the words, brackets and figures “after the commencement of the Motor Vehicles (Amendment) Act, 1978” shall be inserted;

(b) for the words “three years”, the words “five years” shall be substituted;

(c) the following proviso shall be inserted at the end, namely: —

“Provided that a driving licence issued or renewed to drive as a paid employee or to drive a transport vehicle shall be effective without renewal for a period of three years only.”

7. *Amendment of section 16.* — In section 16 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely: —

“(1A) Upon the issue of an order under sub-section (1), the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority which issued the driving licence (hereafter in this section referred to as the issuing authority), or, as the case may be, to the licensing authority by which the driving licence was last renewed (hereafter in this section referred to as the renewing authority), and the issuing authority or, as the case may be, the renewing authority shall endorse the fact of disqualification in the driving licence and keep it until the period of disqualification has expired or the disqualification has been removed:

Provided that where the driving licence authorises a person to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the authority to which the driving licence

was surrendered shall endorse the fact of disqualification in the driving licence and return the same to the holder.

(1B) Where an order of disqualification has been made under sub-section (1), the period of disqualification shall be reckoned from the date of surrender of the driving licence to the issuing authority or the renewing authority, as the case may be, under sub-section (1A), or from the date on which the relevant endorsement is made on the driving licence, whichever is earlier:

Provided that in a case where the driving licence is, on the date on which the said order is made, in the possession of the issuing authority or the renewing authority or a police officer, the disqualification shall take effect from the date of the said order.”

8. *Amendment of section 21.* — In section 21 of the principal Act, in sub-section (2), after clause (aa), the following clause shall be inserted, namely: —

“(aaa) the minimum educational qualifications of persons to whom licences to drive transport vehicles are issued after the commencement of the Motor Vehicles (Amendment) Act, 1978 and the time within which such qualifications are to be acquired by such persons;”

9. *Amendment of section 24.* — In section 24 of the principal Act, —

(a) in sub-section (3), —

(i) for the words “one of the groups of letters allotted to the State by the Sixth Schedule”, the words “one of the groups of such of those letters as are allotted to the State by the Central Government from time to time by notification in the Official Gazette,” shall be substituted;

(ii) the following proviso shall be inserted, namely: —

“Provided that the letters and figures aforesaid shall be shown —

(a) in the case of transport vehicles, in black on a white ground;

(b) in the case of motor vehicles temporarily registered, in red on a yellow ground;

(c) in the case of motor vehicles in the possession of dealers, in white on a red ground;

(d) in other cases, in white on a black ground.”

(b) after sub-section (3), as so amended, the following sub-sections shall be inserted, namely: —

“(4) A certificate of registration issued under sub-section (2), whether before or after the commencement of the Motor Vehicles (Amendment) Act, 1978, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.

(5) An application by or on behalf of the owner of a motor vehicle, other than a transport

vehicle, for the renewal of a certificate of registration shall be made within such period as may be prescribed, in Form F as set forth in the First Schedule, shall contain the information required by that Form and shall be accompanied by the prescribed fee.

(6) Where in the case of a certificate of registration issued under this Act before the commencement of the Motor Vehicles (Amendment) Act, 1978, in respect of a motor vehicle, other than a transport vehicle, the period of fifteen years referred to in sub-section (4) has expired at such commencement, the holder of such certificate shall apply for the renewal of the said certificate in Form F as set forth in the First Schedule to the registering authority within six months from such commencement or within such extended period not exceeding six months as the authority may, on sufficient cause being shown, allow, and such application shall contain the information required by that Form and shall be accompanied by the prescribed fee.

(7) The registering authority may, on receipt of an application under sub-section (5) or sub-section (6), renew the certificate of registration for the prescribed period."

10. *Amendment of section 26.* — In section 26 of the principal Act, in sub-section (1), for the words "before proceeding to register a motor vehicle require the person applying for registration of the vehicle", the words "before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration" shall be substituted.

11. *Substitution of new section for section 27.* — For section 27 of the principal Act, the following section shall be substituted, namely: —

"27. *Refusal of registration or renewal of the certificate of registration.* — The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case the vehicle is mechanically defective or fails to comply with the requirements of Chapter V or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal."

12. *Amendment of section 29.* — In section 29 of the principal Act, —

(a) to sub-section (1), the following proviso shall be added, namely: —

"Provided that an application under this sub-section shall be accompanied —

(i) by a no objection certificate obtained under section 29A, or

(ii) in a case where no such certificate has been obtained, by —

(a) a receipt obtained under sub-section (2) of section 29A; or

(b) a postal acknowledgement received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 29A,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted."

(b) in sub-section (2), for the words "in accordance with the Sixth Schedule", the words, brackets and figures "as specified in sub-section (3) of section 24" shall be substituted;

(c) after sub-section (2) as so amended, the following sub-section shall be inserted, namely: —

"(2A) Where a motor vehicle is held under a hire-purchase agreement or is subject to hypothecation, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase agreement or, as the case may be, the person in whose favour the vehicle is subject to hypothecation (by sending to such person a notice by registered post acknowledgement due at the address of such person entered in the certificate of registration) the fact of assignment of the said registration mark."

13. *Insertion of new section 29A.* — After section 29 of the principal Act, the following section shall be inserted, namely: —

"29A. *No objection certificate.* — (1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 29 to the registering authority within whose jurisdiction the vehicle is, or the transferor of any motor vehicle when reporting the transfer under sub-section (1) of section 31 to the registering authority within whose jurisdiction the transfer is to be effected, shall make an application in such form and in such manner as may be prescribed to the registering authority by which the vehicle was previously registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for entering a new registration mark in the certificate of registration or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under sub-section (1), issue a receipt in such form as may be prescribed.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry as it deems fit and within thirty days of the receipt thereof, by order in writing,

communicate to the applicant that it has granted or refused to grant the no objection certificate:

Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as the Central Government may by rules prescribe."

14. *Amendment of section 30.* — In section 30 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely: —

"(1A) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 112, such amount not exceeding one hundred rupees as may be prescribed under sub-section (1C) :-

Provided that action under section 112 shall be initiated against the owner where he fails to pay the said amount.

(1B) Where a person has paid the amount under sub-section (1A), no action shall be taken against him under section 112.

(1C) For the purposes of sub-section (1A), a State Government may prescribe different amounts having regard to the period of delay in intimating the change in the place of residence, or place of business, or both, as recorded in the certificate of registration."

15. *Amendment of section 31.* — In section 31 of the principal Act, —

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely: —

"(a) the transferor shall —

(i) within fourteen days of the transfer, report the fact of transfer to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee;

(ii) within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i) —

(A) a no objection certificate obtained under section 29A; or

(B) in a case where no such certificate has been obtained, —

(I) a receipt obtained under sub-section (2) of section 29A; or

(II) a postal acknowledgement received by the transferor if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 29A,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted;"

(b) after sub-section (1), the following sub-sections shall be inserted, namely: —

"(1A) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1), the registering authority may, having regard to the circumstances of the case, require the transferor or, as the case may be, the transferee, to pay, in lieu of any action that may be taken against the transferor or the transferee under section 112, such amount not exceeding one hundred rupees as may be prescribed under sub-section (1C):

Provided that action under section 112 shall be initiated against the transferor or the transferee, where the transferor or, as the case may be, the transferee fails to pay the said amount.

(1B) Where a person has paid the amount under sub-section (1A), no action shall be taken against him under section 112.

(1C) For the purposes of sub-section (1A), a State Government may prescribe different amounts having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle."

16. *Amendment of section 31A.* — In section 31A of the principal Act, —

(a) in sub-section (5), for the words "and issue a duplicate thereof to the person aforesaid", the following shall be substituted, namely: —

"and issue a fresh certificate of registration to the person which whom the registered owner has entered into the hire-purchase agreement:

Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle, unless the person pays the prescribed fee:

Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force."

(b) after sub-section (5), the following sub-sections shall be inserted, namely: —

"(5A) The registered owner shall, before applying to the appropriate authority, for the rene-

wal of a permit, make an application to the person with whom the registered owner has entered into a hire-purchase agreement (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate).

Explanation.—In this section, “appropriate authority”, in relation to any permit, means the authority which is authorised by this Act to renew such permit.

(5B) Within seven days of the receipt of an application under sub-section (5A), the financier may issue, or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue, the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the applicant within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.

(5C) The registered owner shall, while applying to the appropriate authority for the renewal of any permit, submit with such application the certificate, if any, obtained under sub-section (5B) or, where no such certificate has been obtained, the communication received from the financier under that sub-section, or, as the case may be, a declaration that he has not received any communication from the financier within the period specified in that sub-section.

(5D) On receipt of an application for the renewal of any permit under this section, the appropriate authority may subject to the other provisions of this Act—

(i) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either renew, or refuse to renew, the permit;

(ii) in any other case, renew the permit;'

(c) in sub-section (6), for the brackets and figure “(5)”, the brackets, figure and letter “(5D)” shall be substituted.

17. *Amendment of section 34.*—In section 34 of the principal Act,—

(a) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, the registering authority shall, after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the certificate of registration of the vehicle.”;

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) In this section, “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.’

18. *Amendment of section 35.*—In section 35 of the principal Act, in sub-section (1), for the words “to register a motor vehicle”, the words, brackets, figures and letter “to register a motor vehicle or to renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle) or under section 29A to issue a no objection certificate” shall be substituted.

19. *Amendment of section 41.*—In section 41 of the principal Act, in sub-section (2),—

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba) the period within which an application for renewal of a certificate of registration in respect of a motor vehicle, other than a transport vehicle, may be made and the period for which such certificate may be renewed”;

(ii) in clause (c), for the words “the issue”, the words “the issue or renewal” shall be substituted;

(iii) after clause (d), the following clause shall be inserted, namely:—

“(da) the form in which and the manner in which an application for no objection certificate may be made under sub-section (1) of section 29A and the form of receipt to be issued under sub-section (2) thereof;”;

(iv) in clause (f), for the words “the issue”, the words “the issue or renewal” shall be substituted;

(v) after clause (h), the following clause shall be inserted, namely:—

“(i) the amount or amounts under sub-section (1C) of section 30 or sub-section (1C) of section 31;”;

(vi) after clause (l), the following clause shall be inserted, namely:—

“(la) the conditions governing the registration of re-built vehicles;”.

20. *Amendment of section 44.*—In section 44 of the principal Act, in sub-section (2), for the words “judicial experience”, wherever they occur, the words “judicial experience or experience as an appellate or a revisional authority under any law relating to land revenue” shall be substituted.

21. *Amendment of section 47.*—In section 47 of the principal Act,—

(a) in sub-section (1), in the proviso, after the words “in force for the time being”, the words “and an application for a stage carriage permit from a person who has a valid licence for driving transport vehicles” shall be inserted;

(b) after sub-section (1), as so amended, the following sub-sections shall be inserted, namely:—

“(1A) The Government of a State shall reserve in that State certain percentage of stage

carriage permits for the Scheduled Castes and the Scheduled Tribes.

Explanation.—In this section and in sections 55 and 63, "Scheduled Castes" and "Scheduled Tribes" have the meanings respectively assigned to them in article 366 of the Constitution.

(1B) The reservation of permits under sub-section (1A) shall be in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(1C) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted stage carriage permits in that State,—

(a) reserve in that State such percentage of stage carriage permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in the proviso to sub-section (1), give preference, in such manner as may be prescribed, to applications for stage carriage permits from such persons.

Explanation I.—In this section and in sections 55, 63 and 68, a person shall be deemed to belong to economically weaker section of the community, if and only if, on the prescribed date,—

(a) the annual income of such person together with the annual income, if any, of the members of his family; or

(b) the extent of land (whether in one class or in different classes) held by such person together with that, if any, held by the members of his family; or

(c) the annual income and the extent of land aforesaid, does, or do, not exceed such limit as may be prescribed.

Explanation II.—For the purposes of *Explanation I*, "family", in relation to an individual, means the wife or husband, as the case may be, of such individual and the minor children of such individual.

(1D) The number of permits reserved under sub-section (1B) and clause (a) of sub-section (1C) shall not exceed fifty per cent, of the total number of stage carriage permits granted during a calendar year.

(1E) In giving effect to the provisions of sub-section (1B) and clause (a) of sub-section (1C), the Regional Transport Authority or the State Transport Authority may, if it considers necessary or expedient so to do, group the various routes within its jurisdiction.

(1F) Where any stage carriage permit is to be granted from the quota reserved under sub-section (1B) or clause (a) of sub-section (1C) to any co-operative society registered or deemed to have been registered under any enactment in force for the time being or any firm

to which the provisions of the Indian Partnership Act, 1932 apply, no permit shall be granted to such society or firm unless the members of the co-operative society or the partners of the firm belong to the Scheduled Castes, the Scheduled Tribes or economically weaker sections of the community: 9 of 1932.

Provided that where the members of such co-operative society or the partners of such firm are partly from the Scheduled Castes, partly from the Scheduled Tribes and partly from the economically weaker sections of the community, or from any two of these categories, any permit under this sub-section shall be granted to such society or firm only from the quota reserved for the category to which the largest number of members of the co-operative society, or, as the case may be, partners of the firm, belong:

Provided further that where no reservation has been made in the State for economically weaker sections of the community under clause (a) of sub-section (1C), no permit under this sub-section shall be granted to a co-operative society or firm unless the members of such society or partners of such firm belong to the Scheduled Castes or the Scheduled Tribes or partly to the Scheduled Castes and partly to the Scheduled Tribes and the permit to such society or firm shall be granted only from the quota reserved for the Scheduled Castes or the Scheduled Tribes according as to whether the larger number of the members of the co-operative society, or partners of the firm, belong to the Scheduled Castes or the Scheduled Tribes.

(1G) The circumstances under which, the manner in which, and the extent to which, reservation under sub-section (1A) and clause (a) of sub-section (1C) may be carried forward shall be such as may be prescribed.

(1H) Notwithstanding anything contained in this section, an application for a stage carriage permit from a State transport undertaking for operating in any inter-State route shall be given preference over all other applications:

Provided that the authority shall not grant a permit under this sub-section unless it is satisfied that the State transport undertaking would be able to operate in the inter-State route without detriment to its responsibility for providing efficient and adequate road transport service in any notified area or notified route as is referred to in sub-section (3) of section 68D where the undertaking operates the service.

Explanation.—For the purposes of this sub-section, "inter-State route" means any route lying contiguously in two or more States.

22. *Amendment of section 55.*—In section 55 of the principal Act,—

(a) in sub-section (1), in the proviso, after the words "in force for the time being", the words "and an application for a public carrier's permit from a person who has a valid licence for driving transport vehicles" shall be inserted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely: —

“(1A) The Government of a State shall reserve in that State certain percentage of public carriers’ permits for the Scheduled Castes and the Scheduled Tribes.

(1B) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted public carriers’ permits in that State, —

(a) reserve in that State such percentage of public carriers’ permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in the proviso to sub-section (1), give preference, in such manner as may be prescribed, to applications for public carriers’ permits from such persons.

(1C) The provisions of sub-sections (1B), (1D), (1F) and (1G) of section 47 shall apply to or in relation to the grant of public carriers’ permits under this section as they apply to or in relation to the grant of stage carriage permits under that section.”.

23. *Amendment of section 58.* — In section 58 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(2A) Notwithstanding anything contained in sub-section (2), an application for the renewal of a permit may be made by a State transport undertaking in the case of a stage carriage permit or a public carrier’s permit or a contract carriage permit, not less than fifteen days before the date of expiry of the permit.”.

24. *Amendment of section 63.* — In section 63 of the principal Act, —

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely: —

“Provided also that —

(a) where a motor vehicle covered by a permit granted in one State is to be used for the purposes of defence in any other State, such vehicle shall display a certificate, in such form, and issued by such authority, as the Central Government may, by notification in the Official Gazette, specify, to the effect that the vehicle shall be used for the period specified therein exclusively for the purposes of defence; and

(b) any such permit shall be valid in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that State.”;

(b) in sub-section (7), the following proviso shall be inserted, namely: —

“Provided that preference shall be given to applications for permits from —

(i) the India Tourism Development Corporation;

(ii) a State Tourism Development Corporation;

(iii) a State Tourist Department;

(iv) such operators of tourist cars, or such travel agents, as may be approved in this behalf by the Ministry of the Central Government dealing in tourism.”;

(c) after sub-section (11), the following sub-sections shall be inserted, namely: —

“(11A) The Government of a State shall reserve in that State certain percentage of national permits for the Scheduled Castes and the Scheduled Tribes.

(11B) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted national permits in that State, —

(a) reserve in that State such percentage of national permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in clause (b) of sub-section (12), give preference, in such manner as may be prescribed, to applications for national permits from such persons.

(11C) The provisions of sub-sections (1B), (1D), (1F) and (1G) of section 47 shall apply to or in relation to the grant of national permits under this section as they apply to or in relation to the grant of stage carriage permits under that section.”;

(d) in sub-section (12), in clause (b), for the word “or”, the word “and” shall be substituted.

25. *Amendment of section 64.* — In section 64 of the principal Act, in sub-section (2), the word “whole-time” shall be omitted.

26. *Amendment of section 64A.* — In section 64A of the principal Act, —

(a) after the first proviso, the following proviso shall be inserted, namely: —

“Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.”;

(b) in the existing second proviso, for the word “further”, the word “also” shall be substituted.

27. *Amendment of section 68.* — In section 68 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely: —

“(ci) the percentage of stage carriage permits, public carriers’ permits or national permits to be reserved under section 47 or section 55 or section 63 for economically weaker sections of the community;

(cii) the manner in which preference shall be given in the grant of stage carriage permits, public carriers’ permits or national permits to econo-

mically weaker sections of the community where no reservation is made to such applicants;

(ciii) the date and limits of annual income and the extent of land, for the purposes of *Explanation I* below sub-section (1C) of section 47;

(civ) the circumstances under which, the manner in which, and the extent to which, reservation may be carried forward in respect of stages carriage permits, public carriers' permits or national permits;"

28. *Amendment of section 68F.* — In section 68F of the principal Act, after sub-section (1D), the following sub-section shall be inserted, namely: —

"(1E) Where a State transport undertaking applies for renewal of a permit within the period specified in sub-section (2A) of section 58, the State Transport Authority or, as the case may be, the Regional Transport Authority, shall, renew such permit, notwithstanding anything to the contrary contained in Chapter IV."

29. *Amendment of section 72.* — In section 72 of the principal Act, in sub-section (1), for the words "heavy motor vehicles", the words "heavy goods vehicles or heavy passenger motor vehicles" shall be substituted.

30. *Amendment of section 75.* — In section 75 of the principal Act, in sub-section (4), for the words "Chief Presidency Magistrate", the words "Chief Metropolitan Magistrate" shall be substituted.

31. *Insertion of new section 82A.* — After section 82 of the principal Act, the following section shall be inserted, namely: —

'82A. *Prohibition against travelling without pass or ticket.* — No person shall enter or remain in any stage carriage for the purposes of travelling therein unless he has with him a proper pass or ticket:

Provided that where arrangements for the supply of tickets are made in the stage carriage by which a person has to travel, a person may enter such stage carriage but as soon as may be after his entry therein, he shall make the payment of his fare to the conductor or the driver who discharges the functions of a conductor and obtain from such conductor or driver, as the case may be, a ticket for his journey.

Explanation. — In this section, —

(a) "pass" means a duty, privilege or courtesy pass entitling the person to whom it is given to travel in a stage carriage gratuitously and includes a pass issued on payment for travel in a stage carriage for the period specified therein;

(b) "ticket" includes a single ticket, a return ticket or a season ticket.'

32. *Amendment of section 110A.* — In section 110A of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely: —

"(aa) by the owner of the property; or".

33. *Amendment of section 110C.* — In section 110C of the principal Act, in sub-

-section (2), for the words and figures "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", the words and figures "section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898. 2 of 1974.

34. *Insertion of new section 112A.* — After section 112 of the principal Act, the following section shall be inserted, namely: —

'112A. *Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor.* — (1) Whoever travels in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor, he shall be punishable with fine which may extend to five hundred rupees.

Explanation. — In this section, "pass" and "ticket" have the meanings respectively assigned to them in section 82A.

(2) If the conductor of a stage carriage, or the driver of a stage carriage where such driver discharges the functions of a conductor in such stage carriage, whose duty is —

(a) to supply a ticket to a person travelling in a stage carriage on payment of fare by such person, either wilfully or negligently, —

(i) fails or refuses to accept the fare when tendered, or

(ii) fails or refuses to supply a ticket, or

(iii) supplies an invalid ticket, or

(iv) supplies a ticket of lesser value, or

(b) to check any pass or ticket, either wilfully or negligently fails or refuses to do so,

he shall be punishable with fine which may extend to five hundred rupees.

(3) The offence under this section may be compounded if the person referred to in sub-section (1) or the conductor or the driver referred to in sub-section (2), pays, on the spot on demand by such authority as the State Government may, by notification in the Official Gazette, specify, —

(a) ten times the actual fare payable by such person or realisable by such conductor or driver; or

(b) rupees five hundred, whichever is less.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 112."

35. *Insertion of new section 124A.* — After section 124 of the principal Act, the following section shall be inserted, namely: —

'124A. *Imposition of minimum fine under certain circumstances.* — (1) Whoever having been convicted of an offence under this Act commits an offence on a second or subsequent occasion within three years of the commission of a previous similar offence, no court shall, except for reasons

to be stated in writing, impose on him a fine of less than one-fourth of the maximum amount of the fine imposable for such offence.

(2) Nothing in sub-section (1) shall be construed as restricting the power of the court from awarding such imprisonment as it considers necessary in the circumstances of the case not exceeding the maximum specified in this Act in respect of that offence."

36. *Amendment of section 129A.* — In section 129A of the principal Act, after the proviso, the following proviso shall be inserted, namely: —

"Provided further that where a motor vehicle has been seized and detained under this section for contravention of the provisions of section 22, such vehicle shall not be released to the owner unless and until he produces a valid certificate of registration under this Act in respect of that vehicle."

37. *Amendment of section 132.* — In section 132 of the principal Act, for the words "Presidency Magistrate", the words "Metropolitan Magistrate" shall be substituted.

38. *Amendment of section 133A.* — In section 133A of the principal Act, in sub-section (5), —

(a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(b) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

39. *Amendment of the First Schedule.* — In the First Schedule to the principal Act, —

(a) in Form A —

(i) in Section I, for items (d) and (e), the following items shall be substituted, namely: —

"*(d) medium goods vehicles,

* (e) medium passenger motor vehicles,

* (ei) heavy goods vehicles,

* (eii) heavy passenger motor vehicles,";

(b) in Section III, for question (a), the following question shall be substituted, namely: —

"(a) Do you suffer from attacks of loss of consciousness from any cause?";

(c) in Form AA, in the first paragraph, for items (d) and (e) the following items shall be substituted, namely: —

"(d) medium goods vehicles,

(e) medium passenger motor vehicles,

(ei) heavy goods vehicles,

(eii) heavy passenger motor vehicles,";

(d) in Form B, in Section II, for question (a), the following question shall be substituted, namely: —

"(a) Do you suffer from attacks of loss of consciousness from any cause?";

(e) in Form D, for items (d) and (e), the following items shall be substituted, namely: —

"(d) medium goods vehicles,

(e) medium passenger motor vehicles,

(ei) heavy goods vehicles,

(eii) heavy passenger motor vehicles,";

(f) in Form E —

(i) in entry 1, the words "and address" shall be omitted;

(ii) after entry 1A, the following entries shall be inserted, namely: —

"1AB. Permanent address of the person to be registered as registered owner

1AC. Temporary address of the person to be registered as registered owner";

(iii) after entry 2, the following entry shall be inserted, namely: —

"2A. The motor vehicle is —

(a) a new vehicle;

(b) a re-built vehicle,";

(iv) in entries 16 and 20, for the words "heavy motor vehicles", the words "heavy goods vehicles or heavy passenger motor vehicles" shall be substituted;

(g) after Form E, the following Form shall be inserted, namely: —

"Form F

[See section 24 (5) and (6)]

Form of Application for renewal of certificate of registration of a motor vehicle, other than a transport vehicle

I, Shri/Shrimati/Kumari hereby apply for the renewal of the certificate of registration, which is attached, and particulars of which are as follows: —

(a) Registered number

(b) Date of issue

(c) Registering authority by which the certificate was issued/last renewed.

My present address is

If this address is not entered on the licence, I do/do not wish that it should be so entered.

The renewal of the certificate has not been refused by any registering authority.

1. Class of vehicle

2. The motor vehicle is —

(a) a new vehicle;

(b) a re-built vehicle;

3. Type of body

4. Maker's name

5. Year of manufacture

6. Number of cylinders

7. Cubic capacity

8. Maker's classification
9. Chassis number
10. Engine number
11. Seating capacity (including driver)
12. Unladen weight

Dated: _____ *Signature of Applicant.* _____

Note. — The motor vehicle above described is —

- (i) subject to a hire-purchase agreement with
- (ii) subject to hypothecation in favour of
- (iii) not held under hire-purchase agreement or subject to any mortgage.

(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be)

Signature of owner. _____

Signature of Hire-purchase Company/Mortgagee.; _____

(h) in Form G, —

(i) for the words "and address", occurring in the third entry below the heading "*Form of Certificate of Registration*", the words "and permanent and temporary addresses" shall be substituted;

(ii) after entry 1, the following entry shall be inserted, namely: —

"1A. The motor vehicle is —

- (a) a new vehicle;
- (b) a re-built vehicle;"

(iii) in entries 14 and 18, for the words "heavy motor vehicles", the words "heavy goods vehicles or heavy passenger motor vehicles" shall be substituted;

(iv) after entry 18, the following shall be inserted, namely: —

"This certificate is valid from ... to ...";

(v) before the Note, the following shall be inserted, namely: —

"This certificate is hereby renewed up to _____ *Signature of registering authority.* _____"

the day of 19
 the day of 19
 the day of 19
 the day of 19

40. *Amendment of the Second Schedule.* — In the Second Schedule to the principal Act, in paragraph I, in item 1, for the word "Epilepsy", the words "Attacks of loss of consciousness from any cause" shall be substituted.

41. *Omission of the Sixth Schedule.* — The Sixth Schedule to the principal Act shall be omitted.

42. *Amendment of the Eighth Schedule.* — In the Eighth Schedule to the principal Act, —

(a) for the words "heavy motor vehicle", wherever they occur, the words "heavy goods vehicle or heavy passenger motor vehicle" shall be substituted;

(b) for the words "medium motor vehicle", the words "medium goods vehicle or medium passenger motor vehicle" shall be substituted.